

REMARKS

Claims 1-47 are presently pending in the application. Claims 7, 12, and 24, and 38 have been amended. Claims 1, 13, 15, 24, and 41 are independent claims.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner has allowed claims 1-23 and 41-47.

Claim Rejections Under 35 U.S.C. § 112

The Examiner has indicated that claims 7-10 and 12 are indefinite under 35 U.S.C. § 112, second paragraph.

In regards to claim 7, the Examiner objects to the preamble as being inconsistent with independent claim 1. Applicant respectfully submits that claim 7 has been amended so that the preamble now states, "The computer-implemented method of claim 1." The Examiner also indicated that "said input module" in claim 7 lacks sufficient antecedent basis. Applicant respectfully submits that claim 7 has been amended so that it no longer refers to "said input module."

The Examiner further indicated that claim 9 has a similar problem to claim 7. It is unclear what the Examiner means by this statement, because the preamble in claim 9 recites, "The computer-implemented method of claim 1." However, Applicant can only presume that the Examiner is objecting to "the user" as lacking sufficient antecedent basis. Accordingly, claim 9 has been amended to recite that "images are received from a

user." It is respectfully submitted that amended claim 9 contains sufficient antecedent basis for each feature contained therein.

As to claim 12, the Examiner asserts that "including the image" is indefinite because claim 1 now recites "the received images." Accordingly, Applicant has amended claim 12 to change the aforementioned feature to "at least one of the received images."

In view of the above amendments, the Examiner is respectfully requested to withdraw this rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 24-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,369,908 to Frey et al. (hereafter Frey) in view of U.S. Patent No. 5,983,236 to Yager et al. (hereafter Yager). This rejection is respectfully traversed.

Applicant has amended independent claim 24 to recite creating a text order file to be sent with an image to a remote second processing device, where the text order file contains a unique order identifier that is used by the second processing device to create a unique directory for storing the image and the text order file. Support for these amendments are found, e.g., in the specification at page 17, lines 15-21.

Applicant respectfully submits that these amendments are not to be interpreted as a concession to the appropriateness of the Examiner's rejection of claims 24-40 in their previous form. As such, Applicant maintains the arguments with respect to the

Examiner's proposed combination of Frey and Yager, as set forth in previously-filed amendments. However, Applicant has amended claim 24 to even more clearly distinguish over the Frey-Yager combination in an effort to expedite prosecution.

MPEP § 2143.03 sets forth the following requirement for a proper rejection under 35 U.S.C. § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

It is respectfully submitted that Frey and Yager, taken separately or in combination, fail to teach every feature in claim 24.

In pages 2-3 of the present Office Action, the Examiner asserts the following:

[s]ince coded instructions are invariably expressible using characters the "service request" in the Frey KIOSK can be interpreted as forming a "text order file"...

Also, in page 4 of the Office Action, the Examiner makes the broad assertion that:

Frey, as noted above, allows specification of "an address"... of "a digital storage device"... using a "file directory"...

However, the Examiner does not cite a specific portion of Frey disclosing the creation of a file direction. The Examiner apparently relies on Frey's general teaching that a kiosk user can save the created electronic image onto a storage device (see page 2 of the Office Action) to provide some inherent teaching of a file directory.

Even assuming for the sake of argument that Frey's teaching of storing electronic images suggests that the images are stored in a file directory, there is simply no

teaching or suggestion in Frey that such a directory is created based on a unique order identifier found within a text order file created by the first processing device, as required by independent claim 24. Furthermore, there is simply no suggestion in Frey of storing the text order file along with the one or more images in a unique directory in the second processing device, as recited in claim 24. In fact, nothing in Frey even suggests that the electronic images are stored in a unique directory. Applicant also submits that Yager fails to remedy this deficiency of Frey.

As such, Applicant respectfully submits that the proposed combination of Frey and Yager fails to teach or suggest each and every feature in independent claim 24; thus, claim 24 should be allowed. Furthermore, Applicant respectfully submits that claims 25-40 are allowable at least by virtue of their dependency on claim 24. Accordingly, reconsideration and withdrawal of this rejection- is respectfully requested.

Conclusion

It is respectfully submitted that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg.

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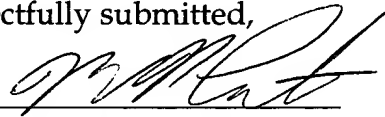
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No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: July 1, 2005

Respectfully submitted,

By 

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